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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,779	06/15/2001	Christophe Vincent	SCHN : 002	7857

7590 08/10/2004
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EXAMINER

SHIMIZU, MATSUICHIRO

ART UNIT PAPER NUMBER

2635

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/880,779

Applicant(s)

VINCENT ET AL.

Examiner

Matsuichiro Shimizu

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

The examiner acknowledges canceled claim 13 and currently amended claims 1-2, 4 and 8.

The examiner approves drawings Figs. 1-4 in view of correction provide by the applicant filed on 5/27/2004.

The examiner withdraws the claim 1 rejection under 35 U.S.C. 112, first paragraph in view of currently amended claim 1 provided by the applicant filed on 5/27/2004.

Response to Arguments

Applicant's arguments filed on 5/27/2004 have been fully considered and examiners response is provided as follows:

Regarding applicant's argument (line 20, page 14 to line 4, page 15; lines 7-13, page 18), Gastouniotis teaches control, display and monitoring functions of the server automatic control equipment (Fig. 2, col. 6, lines 29-37, power control of receiver 44; col. 5, lines 42-55, battery detector control 26 transmit the low battery indication). That is, server communication means supply control, display and monitoring functions to the mobile device or to the client automatic control equipment as claimed in claim 1. Furthermore, applicant's arguments (lines 1-28, page 11), that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (applicant's server functionality residing in data unit 4 display function or said server) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read

into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding applicant's argument (lines 14–18, page 18), the examiner maintains that Tang teaches proximate communication associated with Bluetooth communication technology (col. 5, lines 1–16).

Regarding applicant's argument (lines 6–8, page 19), the examiner maintains that Gastouniotis teaches having access to server memory via interrogation by remote 6 (col. 13, lines 52–68, transmitting server data or meter data to the remote 6). Furthermore, Gastouniotis teaches that server responds to list of service like diagnostic or data or battery condition of the server (col. 11, lines 23–37; col. 12, lines 55–62, col. 5, lines 42–55).

Regarding applicant's argument (lines 17–21, page 20), the examiner maintains that Silva teaches, in the art of wireless network, the server automatic control equipment (20) can exchange messages (13, 23) with an item of client automatic control equipment (20') via the proximity network (30), such that an application program (29') running in the client automatic control equipment (20') can perform control, display and monitoring functions of the server automatic control equipment (20) (Fig. 8, col. 12, lines 1–21, local interface generates custom display 818 to be transmitted to client 102 display 820 B). That is, prior arts of Gastouniotis, Tang and Silva are combinable to enhance wireless communication architecture or system.

Therefore, rejection of claims 1–10 follows:

Claim Rejections – 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1–2, 4–9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gastouniotis et al. (5,438,329) in view of Tang et al. (6,347,095).

Regarding claim 1, Gastouniotis teaches an access system (Fig. 1, col. 4, lines 9–14, access associated with instrument reading) comprising: a server automatic control equipment (col. 4, lines 6–61, data gathering unit 4), at least one mobile device (col. 4, lines 6–61, a remote station 6), and at least one client automatic control equipment, each of said mobile device (col. 4, lines 6–61, a remote station 6), said client automatic control equipment (col. 4, lines 6–61, a remote station 6) and said sever automatic control equipment comprising: transmission/reception means connected to a communication means (Fig. 1, antenna associated with instrument link) for transmitting and receiving messages on a wireless network using radio waves,

wherein each of said server communication means (27) (col. 4, lines 6-61, instrument link 2), said mobile communication means and said client communication means (Fig. 1, hand-held remote station and remote station carried aboard vehicle 6) comprises a link mechanism (Fig. 1, instrument link 2 and transceiver 6) in compliance with the network protocol for linking said server communication means with either said mobile communication or said client communication means, to supply control, display and monitoring functions of the server automatic control equipment to the mobile device (col. 1, lines 6-61, mobile remote stations 8 d-c) or to the client automatic control equipment (col. 1, lines 6-61, mobile remote stations 8 d-c), wherein the link mechanism comprises: a detection means for detecting presence of at least one automatic control equipment, a description means for querying identification of said detected automatic control equipment (col. 16, lines 3-14, querying identification associated with wakeup of the automatic control equipment), and a service means (col. 11, lines 23-37, list of diagnostic services associated with instrument ID, status of conditions of instrument) for communicating with said identified automatic control equipment. But Gastouniotis does not teach a server communication means, a wireless proximity network and Bluetooth protocol with communication means.

However, Tang teaches, in the art of wireless communication network, a server communication means (col 7, lines 24-41, communication means associated with server 200), a wireless proximity network associated with Bluetooth protocol (col. 7, lines 24-55, proximity network and Bluetooth) for the purpose of providing shorter range (10 meter) and higher data rate communication system. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include a server communication means, a wireless proximity network and Bluetooth

protocol with communication means in the device of Gastouniotis because Gastouniotis suggest communication means and wireless network and Tang teaches a server communication means, a wireless proximity network and Bluetooth protocol with communication means for the purpose of providing shorter range (10 meter) and higher data rate communication system.

Regarding claim 2, Gastouniotis in view of Tang teaches access system according to claim 1, further comprising an internal memory containing information relating to the server automatic control equipment, wherein the server (Tang-col 7, lines 24-41, communication means associated with server 200) communication means has access to an internal memory (Gastouniotis-col. 9, lines 44-58, water meter reading data from data registers or memory; col. 11, lines 20-37, data gathering device 6-61, instrument link 2).

Regarding claim 4 Gastouniotis in view of Tang teaches access system according to claim 2, characterized in that the server communication means (27) of an item of server automatic control equipment (20) are waiting (Gastouniotis-col. 4, lines 47-61, wake-up the server upon receiving interrogation signal from mobile device 6) for a detection query (11) sent by at least one mobile device (10) on the proximity network (30).

Regarding claim 5, Gastouniotis teaches access system according to claim 4, characterized in that, following the reception of a detection query (11) from a mobile device (10), the server communication means (27) generate a detection response (21) used to signal their presence to the mobile device (10) (Gastouniotis-col. 4, lines 47-61, RF signal backed to the mobile device 6).

Regarding claim 6, Gastouniotis in view of Tang teaches the access system according to claim 2, wherein the client communication means (Gastouniotis-Fig. 1, handheld remote station 6) of a client automatic control equipment (Gastouniotis-col. 21, lines 51- is for transmitting detection queries (Gastouniotis-col. 4, lines 47-61, interrogate or transmitting detection queries) across the proximity network to detect the presence of at least one automatic control equipment within the proximity network (Tang-col. 7, lines 24-55, proximity network and Bluetooth).

Regarding claim 7, Gastouniotis in view of Tang teaches the access system according to claim 6, wherein the client communication means is for transmitting detection queries at the initiative of an application program running in the client automatic control equipment (Gastouniotis-col. 2, lines 39-46, the interrogation transmitter means transmits a radio frequency signal; col. 16, lines 3-14, transmission of wakeup signal associated with detection queries).

Regarding claim 8, Gastouniotis in view of Tang teaches access system according to claim 5, wherein the server communication means (Tang-col. 7, lines 24-55, server 200 proximity application device) is for responding to a description query transmitted by the mobile device or the client automatic control equipment by returning a description response which includes an identification and authentication of the server automatic control equipment (Gastouniotis-col. 11, lines 23-37, instrument ID, status of conditions of instrument) and a list of services (Gastouniotis-col. 11, lines 23-37, list of diagnostic services associated with instrument ID, status of conditions of instrument) offered by the server automatic control equipment (20).

Regarding claim 9, Gastouniotis in view of Tang teaches the access system according to claim 8, wherein the server automatic control equipment (Tang-col. 7,

lines 24–55, server 200) is for exchanging messages with the mobile device via the proximity network, when the link mechanism establishes a link, so that a user of the mobile device can perform control, display and monitoring functions of the server automatic control equipment (Gastouniotis–col. 13, lines 52–63, instruct the instrument link to go back to sleep via ACK signal from remote station 6).

Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gastouniotis in view of Tang et al. as applied to claim 2 and 8 above, and further in view of de Silva et al. (6,564,320).

Regarding claim 3, Gastouniotis in view of Tang teaches access system according to claim 2, characterized in that the item of automatic control equipment (20') may comprise server communication means (27') to be able to perform a server function (Fig. 6, communication link 110A). But Gastouniotis in view of Tang does not teach the same item of automatic control equipment (20') may comprise server communication means (27') to be able to perform a server function and a client function.

However, de Silva teaches, in the art of wireless network, the same item of automatic control equipment (20') may comprise server communication means (27') to be able to perform a server function and a client function (Fig. 6, local server communicating as 11A link and communicating as client 112 link) for the purpose of providing flexible communication system. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include the same item of automatic control equipment (20') may comprise server communication means (27') to be able to perform a server function and a client function in the device of

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Gastouniotis in view of Tang because Gastouniotis in view of Tang suggest server communication means (27') to be able to perform a server function and de Silva teaches the same item of automatic control equipment (20') may comprise server communication means (27') to be able to perform a server function and a client function for the purpose of providing flexible communication system.

Regarding claim 10, Gastouniotis in view of Tang teaches access system according to claim 8, characterized in that, when the link mechanism is set up, the server automatic control equipment (20) provide server communication means (27') to be able to perform a server function; and proximity network (Tang-col. 7, lines 24-55, proximity and Bluetooth). But Gastouniotis in view of Tang does not teach access system, characterized in that, when the link mechanism is set up, the server automatic control equipment (20) can exchange messages (13, 23) with an item of client automatic control equipment (20') via the network (30), such that an application program (29') running in the client automatic control equipment (20') can perform control, display and monitoring functions of the server automatic control equipment (20).

However, de Silva teaches, in the art of wireless network, the server automatic control equipment (20) can exchange messages (13, 23) with an item of client automatic control equipment (20') via the proximity network (30), such that an application program (29') running in the client automatic control equipment (20') can perform control, display and monitoring functions of the server automatic control equipment (20) (Fig. 8, col. 12, lines 1-21, local interface generates custom display 818 to be transmitted to client 102) for the purpose of providing flexible communication system. Therefore, it would have been obvious to a person skilled in

the art at the time the invention was made to include the server automatic control equipment (20) can exchange messages (13, 23) with an item of client automatic control equipment (20') via the network (30), such that an application program (29') running in the client automatic control equipment (20') can perform control, display and monitoring functions of the server automatic control equipment (20) in the device of Gastouniotis in view of Tang because Gastouniotis in view of Tang suggest server communication means (27') to be able to perform a server function and de Silva teaches the server automatic control equipment (20) can exchange messages (13, 23) with an item of client automatic control equipment (20') via the network (30), such that an application program (29') running in the client automatic control equipment (20') can perform control, display and monitoring functions of the server automatic control equipment (20) for the purpose of providing flexible communication system.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final act.

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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matsuichiro Shimizu whose telephone number is (703) 306-5841. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (703-305-4704). The fax phone number for the organization where this application or proceeding is assigned is (703-305-3988).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-8576).

Matsuichiro Shimizu

August 2, 2004



BRIAN ZIMMERMAN
PRIMARY EXAMINER